IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 31ST OCTOBER 2007 / 9TH KARTHIKA 1929

Crl.Rev.Pet.No. 564 of 2006()

CRA.166/2001 of ADDL.SESSIONS COURT,-I, MAVELIKKARA
ST.662/1997 of JUDL.MAGISTRATE OF FIRST CLASS, KAYAMKULAM

.....

REVN. PETITIONER: APPELLANT/ACCUSED

K.V.CHELLAPPAN, AGED 69 YEARS,
S/O.VELUMPAN, KURAVANTHODATH VEEDU,
EVOOR SOUTH MURI, PATHIYOOR VILLAGE,
ALAPPUZHA DISTRICT.

BY ADV. SRI.G.RAJEEVKUMAR
SRI.B.RENJITHKUMAR

RESPONDENTS: RESPONDENTS/STATE & COMPLAINANT

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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. KUTTAPPANACHARY, S/O.MADHAVANACHARY
MADHAVA NIVAS, PUTHIYADAM, KAYAMKULAM VILLAGE,
ALAPPUZHA DISTRICT.

BY ADV. SRI.A.T.ANILKUMAR
PUBLIC PROSECUTOR SRI.K.S.SIVAKUMAR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 31/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.T.SANKARAN, J

Crl. R.P. No.564 of 2005

Dated this the 23rd day of November, 2006

ORDER

Crl.R.P. is filed challenging the conviction and sentence under Section 138 of the Negotiable Instruments Act. The trial court sentenced the petitioner to undergo simple imprisonment of six months and to pay a fine of Rs.25,000/- and in default of payment to undergo simple imprisonment for a period of 45 days. There was also direction that the fine amount, if realised would be paid to the complainant as compensation under Section 357(1) of the Code of Criminal Procedure. On appeal by the accused, the appellate court allowed the appeal in part and while confirming the conviction the sentence of imprisonment was altered and limited to imprisonment till the rising of the court and a sum of Rs.40,000/- was awarded as compensation with a default sentence of imprisonment for three months. Crl.M.A. No.11670/2006 filed under Section 147 of the Negotiable Instruments Act was allowed.

Accordingly the Crl.R.P. is allowed. The conviction and

sentence against the petitioner are set aside and the petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure.

K.T.SANKARAN,
JUDGE

csl

K.T.SANKARAN, J

Crl.M.A.No. 11670 of 2006
in
Crl. R.P. No.564 of 2005

Dated this the 23rd day of November, 2006

ORDER

This is an application under Section 147 of the Negotiable Instruments Act seeking leave to compound the offence under Section 138 of the Act. The application is supported by the affidavit sworn to by the revision petitioner and the application is signed by the revision petitioner/accused and the first respondent/complainant. It is stated that the matter is settled between the parties. It is also stated that Rs.3,000/- was deposited on 4.4.2005 and Rs.10,000/- was deposited on 5.2.2005 by the revision petitioner/accused before the trial court and that those amounts may be directed to be released in favour of the first respondent/complainant. The application is allowed.

K.T.SANKARAN,
JUDGE

csl